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FACSIMILE COVER LETTER

TO: The United States Patent and Trademark Office **PHONE NO.:**

FROM: James J. Murphy

SUBJECT: U.S. Application No. 10/792,095

DATE: November 7, 2005

CLIENT/FILE # 031432.0000247 **ATTY PHONE EXT.:** 1749

FAX NO.: (571) 273-8300 **NO. OF PAGES:** 11

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PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10792,095
	Filing Date	March 3, 2004
	First Named Inventor	John H. Bosshart
	Art Unit	3617
	Examiner Name	Frantz F. Jules
	Attorney Docket Number	031432.000247
Total Number of Pages In This Submission		

ENCLOSURES (Check all that apply)		
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Thompson & Knight LLP		
Signature	<i>James J. Murphy</i>		
Printed name	James J. Murphy		
Date	11/03/05	Reg. No.	34,503

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Signature	<i>Susan Turner</i>		
Typed or printed name	Susan Turner	Date	NOV. 7, 2005

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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:



Practitioners associated with the Customer Number:

26133

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

26133

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address: **BNSF RAILWAY COMPANY**
2650 Lou Menk Dr.
Fort Worth, TX 76131

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Paul R. Hofferer</i>	Date	11-1-05
Name	<i>Paul R. Hofferer</i>	Telephone	817 352 2332
Title	<i>Vice President and General Counsel</i>		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/96 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: BNSF Railway CompanyApplication No./Patent No.: 10/792,095 Filed/Issue Date: March 3, 2004

Entitled:

BNSF Railway Company, a Corporation
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: John H. Besshart To: The Burlington Northern Santa Fe
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: The Burlington Northern Santa Fe Railway To: BNSF Railway Company
 The document was recorded in the United States Patent and Trademark Office at
 Reel 016369, Frame 0881, or for which a copy thereof is attached.
3. From: _____ To: _____
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.
 [NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

James J. Murphy

Signature

11/03/05

Date

James J. Murphy

Printed or Typed Name

(214) 969-1749

Telephone Number

Attorney

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET NO. 0945RF-42121
Form PTO-1595

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Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

John H. Bosshart

2. Name and address of receiving party(ies):

The Burlington Northern Santa Fe
Railway Company

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Assignment ☐ Change of Name
☐ Other

Street Address: 2650 Lou Menk Drive
City: Fort Worth State: Texas Zip: 76131

Execution Date: 7 JAN 2004 and 9 JULY 2004

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)
10/792,095

B. Patent No.(s)

C. Attorney Docket No.
0945RF-42121

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total number of applications and patents involved: 1

Name: Melvin A. Hunn

Internal Address: HILL & HUNN LLP

7. Total fee (37 CFR 1.21(h)).....\$ 80.00

☒ Enclosed

☐ Authorized to be charged to deposit account

201 Main Street, Suite 1440

Fort Worth, Texas 76102-3105

Street Address: HILL & HUNN LLP

201 Main Street, Suite 1440

8. Deposit Account Number:

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Suzy Bradshaw
Name of Person Signing

Signature

15 JULY 2004
Date

Total number of pages including attachments: 3

ASSIGNMENT

WHEREAS, I, John H. Bosshart, having a correspondence address of 8624 Caddo Court, North Richland Hills, Texas 76180, have invented new and useful improvements in a

HIGHWAY CROSSING FLANGEWAY LINER

for which a U.S. provisional patent application has been filed, and for which application will be made for Letters Patent, said provisional application being identified as U.S. Provisional Application No. 60/451,592, filed 3 March 2003, titled "Highway Crossing Flangeway Liner," and being further identified as Attorney Docket No. 0945RF-42121.

WHEREAS, THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY, a corporation of the State of Delaware, having a correspondence address at 2650 Lou Menk Drive, Fort Worth, Texas 76131, is desirous of acquiring my entire right, title and interest in said invention, application, and any Letters Patent which may issue thereon.

NOW THEREFORE, be it known by all whom it may concern that for and in consideration of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, I hereby assign to said corporation for the territory of the United States of America and the entire world my entire right, title and interest in and to said invention, provisional patent application, and patent, including any provisional, non-provisional, design, continuation, continuation-in-part, divisional, reexamination, and reissue applications, and any patents that may issue thereon, including all priority rights for patent applications foreign to the United States of America.

I HEREBY covenant and agree that I will at any time, upon the request and at the expense of said corporation, execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to said invention, applications, and patents, and I authorize the Commissioner of Patents and Trademarks to issue Letters Patent to said corporation.

IN TESTIMONY WHEREOF, I execute this Assignment on the date set forth below.

11/7/04
Date


John H. Bosshart

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PAGE 001/005

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RICHARD L. WYNNE
1700 PACIFIC AVENUE
SUITE 3300
DALLAS, TX 75201-4693

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RECORDATION DATE: 08/09/2005

REEL/FRAME: 016369/0881
NUMBER OF PAGES: 7

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

THE BURLINGTON NORTHERN AND SANTA
FE RAILWAY COMPANY

DOC DATE: 01/17/2005

ASSIGNEE:

BNSF RAILWAY COMPANY
2650 LOU MENK DRIVE
FORT WORTH, TEXAS 76131

SERIAL NUMBER: 10792095

FILING DATE: 03/03/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: RAILROAD CROSSING FLANGEWAY LINER

SERIAL NUMBER: 09804103

FILING DATE: 03/12/2001

PATENT NUMBER: 6494146

ISSUE DATE: 12/17/2002

TITLE: FLATBED RAILCAR WITH A CENTER SUPPORT PARTITION

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016369/0881 PAGE 2

SERIAL NUMBER: 09947844
PATENT NUMBER: 6651353
TITLE: RAIL ALIGNMENT TOOL

FILING DATE: 09/06/2001
ISSUE DATE: 11/25/2003

SERIAL NUMBER: 08126038
PATENT NUMBER: 5382066
TITLE: MECHANISM FOR LIFTING FREIGHT CONTAINERS

FILING DATE: 09/23/1993
ISSUE DATE: 01/17/1995

SERIAL NUMBER: 09912831
PATENT NUMBER: 6758147
TITLE: BALLAST DISCHARGE SYSTEM

FILING DATE: 07/25/2001
ISSUE DATE: 07/06/2004

LENELL MACKALL, SUPERVISOR
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.108/09/2005
500044161

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	CHANGE OF NAME
EFFECTIVE DATE:	01/20/2005
CONVEYING PARTY DATA	
Name	Execution Date
The Burlington Northern and Santa Fe Railway Company	01/17/2005
RECEIVING PARTY DATA	
Name:	BNSF Railway Company
Street Address:	2850 Lou Menk Drive
City:	Fort Worth
State/Country:	TEXAS
Postal Code:	76131
PROPERTY NUMBERS Total: 5	
Property Type	Number
Application Number:	10782086
Patent Number:	6494146
Patent Number:	6651353
Patent Number:	5382066
Patent Number:	6758147
CORRESPONDENCE DATA	
Fax Number:	(214)999-1666
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Email:	susan.turner@tdkew.com
Correspondent Name:	Richard L. Wynne
Address Line 1:	1700 Pacific Avenue
Address Line 2:	Suite 3300
Address Line 4:	Dallas, TEXAS 75201-4693
NAME OF SUBMITTER:	Richard L. Wynne

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Total Attachments: 5

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